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<b>PRE-APPEAL BRIEF REQUEST FOR REVIEW</b>		Docket Number (Optional) 29094/14:2	
<p>I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)]</p> <p>on _____</p> <p>Signature _____</p> <p>Typed or printed name _____</p>		Application Number 10/003,719	Filed October 30, 2001
		<p>First Named Inventor David Justin Ross</p>	
		Art Unit 2131	Examiner Syed Zia

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal.

The review is requested for the reason(s) stated on the attached sheet(s).

Note: No more than five (5) pages may be provided.

I am the

- applicant/inventor.
- assignee of record of the entire interest.  
See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.  
(Form PTO/SB/96)
- attorney or agent of record.  
Registration number \_\_\_\_\_.
- attorney or agent acting under 37 CFR 1.34.  
Registration number if acting under 37 CFR 1.34 58,460


Signature  
Nathan SchererTyped or printed name  
503-294-9896Telephone number  
May 2, 2007

Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required.  
Submit multiple forms if more than one signature is required, see below\*.

\*Total of \_\_\_\_\_ forms are submitted.

This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

**ARGUMENTS FOR THE  
PRE-APPEAL BRIEF REQUEST FOR REVIEW**

**Reasons for Requesting Review**

The final Office action fails to set forth a *prima facie* case of anticipation because U.S. Pat. No. 5,884,270 ("Walker") does not disclose all of the elements set forth in the claims. The rejection of claims 1-15 should be withdrawn for several reasons, including those stated in Applicant's December 30, 2005 response to the non-final Office action (pages 7-11).

**Claim 1**

*Walker Does Not Teach  
Multiple Independently Operated Databases,  
Each Database Storing Information Associated with the Subject*

Claim 1 refers to "multiple independently operated databases, each database storing information associated with the subject" (emphasis added). The portions of Walker cited by the Office action simply refer to a plurality of databases (e.g., party data database 255 and requestor data database 260). These databases do not each store information associated with the subject - instead the databases contain different data. For example, the party data database 255 includes the job applicant's data, such as employment history and education history, while the requestor data database 260 includes the company's data, such as the company history and financial profile. See Figure 2B of Walker. The Office action has not shown where Walker discloses "multiple independently operated databases, each database storing information associated with the subject" (quoting claim 1 with emphasis added).

*Walker Does Not Teach  
The Associated Information Being Accessible  
Only Through Predefined Queries To Identify The Subject*

Claim 1 refers to "the associated information being accessible only through predefined queries to identify the subject" (emphasis added). By way of example, and not limitation, queries can be predefined based on the needs of the individual client. Paragraph [0015] of the Present Application. Authentication clients may only be licensed for specific predefined queries. As discussed in more detail below, queries designed to browse database records or "read-out" information are not enabled by the verification engine. Paragraph [0017] of the Present Application. The cited portions of Walker do not discuss predefined queries. In addition, the Office action does not explain or otherwise argue which elements in Walker anticipate the predefined queries of claim 1.

*Walker Does Not Teach  
A Verification Engine For Facilitating  
Authentication Of The Subject*

Claim 1 refers to "a verification engine for facilitating authentication of the subject by receiving the authentication request, selecting one or more of the predefined queries, presenting the one or more selected queries to the subject via the authenticating client, receiving from the subject an answer to each of the one or more selected queries, and presenting the answer to the multiple independently operated databases for a validation response." By way of example, and not limitation, with reference to Figure 1, after the subject 108 has identified himself to the authentication client 110, the authentication client

110 can present a predefined query 114 to the subject. This predefined query has been licensed for a specific use by this authentication client 110. The actual question and scope of the query depend on the authentication services being provided by the authentication client 110. The subject 108 then returns a response to the query 116. The authentication client 110 then forwards 118 the response to the verification engine 100 for authenticating the subject 108. The verification engine 100 then transmits 120a through 120d the response from the subject 108 to multiple of the databases 112a through 112d. Each database 112a through 112d that receives the information checks it against the identifying information it stores for the subject 108 and returns a confidence indication 122a through 122d to the verification engine. The verification engine 100 combines the individual confidence indications 122a through 122d into a combined confidence indication 124 that is provided to the authentication client 110 for authenticating the subject 108. Paragraph [0026] of the Present Application. In other words, the authentication client, such as an e-commerce site, can verify the identity of the subject, such as a customer (*i.e.*, to ensure that the customer is indeed who they say they are).

In a conclusory fashion, the Office action cites col. 8, line 7 - col. 9, line 5 and col. 16 line [stet] to line 20. Briefly, col. 8, line 7 - col. 9, line 5 discusses many concepts, such as the authorization profile (*e.g.*, list of companies that receive the job applicant's information, such as the current employer), the verification database, and the CPU functions (*e.g.*, store party/requestor data, transmit the verification request, search the party/requestor databases, assigning pseudonyms to the party/requestor, etc.). An example search is also provided where an employer searches the party database (*e.g.*, list of prospective employees) for patent attorneys having two years experience living in New England. The CPU compares the criteria against the entries in the party database and transmits the number of matches. If the requestor asks for specifics, additional data is released based on the party's authorization profile. In addition, the CPU can ask the party if they will authorize the release of additional party data. In other words, Walker allows the prospective employees to remain anonymous if they so desire. Col. 16, line 1 to line 20 discusses a similar example. There is no discussion of "a verification engine for facilitating authentication of the subject by receiving the authentication request, selecting one or more of the predefined queries, presenting the one or more selected queries to the subject via the authenticating client, receiving from the subject an answer to each of the one or more selected queries, and presenting the answer to the multiple independently operated databases for a validation response" (quoting claim 1 with emphasis added). Furthermore, the final Office action fails to provide any explanation that fully and clearly supports the rejection. See MPEP § 707.07(d). Accordingly, the Office action fails to make a *prima facie* case of anticipation.

#### Claim 4

*Walker Does Not Teach  
The Identifying Information Being Accessible  
Through Predefined Queries*

Claim 4 refers to "the identifying information being accessible through predefined queries." As discussed above, Walker does not disclose predefined queries.

*Walker Does Not Teach The Verification Engine Of Claim 4*

Claim 4 refers to “a verification engine to receive from the authentication subject, via the authentication client, an answer to each of the predefined queries, to obtain from each of the plurality of independent database systems a corresponding authentication confidence for each answer, and to combine the corresponding authentication confidence for each answer into a combined authentication confidence.” Again, in a conclusory fashion, the Office action cites col. 8, line 7 – col. 9, line 5 and col. 16 line [stet] to line 20. As discussed above, there is no disclosure of “a verification engine to receive from the authentication subject, via the authentication client, an answer to each of the predefined queries, to obtain from each of the plurality of independent database systems a corresponding authentication confidence for each answer, and to combine the corresponding authentication confidence for each answer into a combined authentication confidence” in the cited portions of Walker. Furthermore, the final Office action fails to provide any explanation that fully and clearly supports the rejection. Accordingly, the final Office action fails to make a *prima facie* case of anticipation.

*Claim 5*

Claim 5 refers to “presenting to an authentication subject one or more predefined queries from each of multiple independent databases of identifying information.” The Office action cites col. 9 lines 35-42 of Walker, which discusses a network interface. No mention is made of predefined queries, much less “presenting to an authentication subject one or more predefined queries from each of multiple independent databases of identifying information.” Accordingly, the final Office action fails to make a *prima facie* case of anticipation.

Claim 5 also refers to “receiving from the authentication subject an answer to each of the selected queries.” The Office action cites col. 7, lines 53 – 62 and col. 15, lines 56 – 67. Col. 7, lines 53-62 of Walker discuss elements of the central controller 200, such as its CPU, RAM, ROM, storage device, and party/requestor database. Col. 15, lines 56 – 67 discuss a search request from a requestor being encrypted before being sent to the central controller 200. The cited portions of Walker make no mention of “receiving from the authentication subject an answer to each of the selected queries.” Accordingly, the final Office action fails to make a *prima facie* case of anticipation.

Claim 5 also refers to “presenting each answer to at least one of the multiple independent databases that has corresponding identifying information; obtaining from the multiple independent databases an authentication confidence level for each answer; and combining the authentication confidence level for each answer into a combined confidence level for authenticating the authentication subject.” Again, in a conclusory fashion, the Office action cites col. 7, lines 53 – 62, col. 8, line 7 – col. 9, line 5, col. 15, lines 56 – 67, and col. 16, lines [sic] – 20. As discussed above, there is no disclosure of “presenting each answer to at least one of the multiple independent databases that has corresponding identifying information; obtaining from the multiple independent databases an authentication confidence level for each answer; and combining the authentication confidence level for each answer into a combined confidence level for authenticating the authentication subject” in the cited portions of Walker. Accordingly, the final Office action fails to make a *prima facie* case of anticipation.

### Claim 6

Without any explanation of how or why the portions of Walker anticipate the elements of claim 6, the Office action simply rejects claim 6 in its entirety citing Fig. 2A, col. 7, line 33 – col. 9, line 25, col. 15, line 25 – [sic], and col. 16, lines 20 – 42. This rejection should be withdrawn for several reasons.

Claim 6 refers to “providing a database interface for interacting with an independent, remote, third-party database without storing any significant portion of the third-party database locally” (with emphasis added). By way of example, and not limitation, identifying information comes from multiple third-party databases that have gathered that information in the ordinary course of their business or other relationships and dealings with the subject (e.g., a bank, a credit card company, a utility, etc.). Paragraph [0026] of the Present Application. The party/requestor databases of Walker are not independent, remote, third-party databases. In addition, the party/requestor databases of Walker are stored locally. See Figure 2A of Walker.

Claim 6 also refers to “wherein the interaction is limited to submitting a query among a predetermined set of permitted types of queries.” By way of example, and not limitation, a verification engine (e.g., Authentex of Figure 2) and the independent databases (e.g., Validator of Figure 2) establish a set of allowed queries (box 5) which is a subset of all the queries permitted by the Validator’s database, chosen to provide proper authentication while being as unobtrusive as possible. Paragraph [0037] of the Present Application. In this manner, the third-party databases remain secure by allowing use of the third-party databases without allowing direct access to the data. As discussed above, the cited portions of Walker do not disclose “submitting a query among a predetermined set of permitted types of queries.”

Claim 6 also refers to “forming a permitted type of query based on the received identifying information.” Walker does not disclose “forming a permitted type of query based on the received identifying information.”

Claim 6 also refers to “receiving a response from the remote, third-party database wherein the database interface does not otherwise provide access to the remote, third-party database, so that privacy of the remote, third-party database content remains under control of its owner.” By way of example, and not limitation, the verification engine allows legitimate access to personal data concerning a subject being authenticated, but it keeps others from browsing. Authentication clients are only licensed for specific predefined queries. Queries designed to browse database records or “read-out” information are not enabled by the verification engine. Paragraph [0017] of the Present Application. The more sensitive out-of-wallet data, such as creditworthiness and credit card information, remains in the hands of companies that naturally hold that information. Although the verification engine will know the results of the queries, the information itself is never directly accessible by the verification engine or the authentication client. The verification engine simply provides a gateway to the information, thus offering a workable compromise between authentication and privacy. Paragraph [0033] of the Present Application. In Walker the database owner does not control

the privacy of the remote, third-party database content – instead the party or requestor determine the available data. The final Office action at page 3 appears to agree with this by stating that “this system allows [the] user to exercise control over information release to others.” Accordingly, the final Office action fails to make a *prima facie* case of anticipation.

**Conclusion**

For at least the foregoing reasons, Applicant respectfully asserts that a *prima facie* case of anticipation has not been made. Accordingly, claims 1, 4, 5, and 6 along with their respective dependent claims are patentable. Applicant respectfully traverses and requests withdrawal of the rejection.

In light of the foregoing, Applicant believes that this application is in form for allowance. The Office is encouraged to contact Applicant’s undersigned attorney if the Office believes that issues remain regarding the allowability of this application.

Respectfully submitted,

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